

AMENDED IN ASSEMBLY JANUARY 4, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 898**

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**Introduced by Assembly Member Gonzalez**

February 26, 2015

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An act to amend Section ~~204 of the Labor Code~~ 3042 of the Penal Code, relating to ~~employment~~ parole.

LEGISLATIVE COUNSEL'S DIGEST

AB 898, as amended, Gonzalez. ~~Employee wages.~~ Parole suitability: notice.

*Existing law requires the Board of Parole Hearings to provide written notice at least 30 days before it meets to review or consider the parole suitability of any inmate sentenced to a life sentence to the judge of the superior court before whom the inmate was tried and convicted, the attorney who represented the defendant at trial, the district attorney of the county in which the offense was committed, and the law enforcement agency that investigated the case. If the inmate was convicted of the murder of a peace officer, existing law also requires notice to be provided to the law enforcement agency that employed the peace officer.*

*This bill would, in the case of an inmate who was convicted of the murder of a firefighter, require the board to provide notice of the parole suitability hearing to the fire department that employed the fire fighter.*

~~Existing law requires that employers pay wages to their employees, twice per calendar month, on days designated in advance as regular paydays. However, employees defined as executive, administrative, or professional may be paid once per month.~~

~~This bill would make nonsubstantive changes to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 3042 of the Penal Code, as amended by  
2     Section 6 of Chapter 470 of the Statutes of 2015, is amended to  
3     read:

4     3042. (a) At least 30 days before the Board of Parole Hearings  
5     meets to review or consider the parole suitability of any inmate  
6     sentenced to a life sentence, the board shall send written notice  
7     thereof to each of the following persons: the judge of the superior  
8     court before whom the inmate was tried and convicted, the attorney  
9     who represented the defendant at trial, the district attorney of the  
10    county in which the offense was committed, the law enforcement  
11    agency that investigated the case, and ~~where if~~ the inmate was  
12    convicted of the murder of a peace officer, officer or a firefighter,  
13    the law enforcement agency ~~which had~~ or fire department that  
14    employed ~~that~~ the peace officer or firefighter at the time of the  
15    murder.

16    (b) The Board of Parole Hearings shall record all of those  
17    hearings and transcribe recordings of those hearings within 30  
18    days of any hearing. Those transcripts, including the transcripts  
19    of all prior hearings, shall be filed and maintained in the office of  
20    the Board of Parole Hearings and shall be made available to the  
21    public no later than 30 days from the date of the hearing. ~~No An~~  
22    inmate shall ~~actually~~ not be released on parole ~~before~~ until 60 days  
23    from the date of the hearing *have elapsed*.

24    (c) At any hearing, the presiding hearing officer shall state his  
25    or her findings and supporting reasons on the record.

26    (d) Any statements, recommendations, or other materials  
27    considered shall be incorporated into the transcript of the hearing,  
28    unless the material is confidential in order to preserve institutional  
29    security and the security of others who might be endangered by  
30    disclosure.

31    (e) (1) The written notice to the judge of the superior court  
32    before whom the inmate was tried and convicted shall be sent by  
33    United States mail.

34    (2) The judge receiving this written notice may forward to the  
35    board any unprivileged information from the trial or sentencing

proceeding regarding the inmate, witnesses, or victims, or other relevant persons, or any other information, that is pertinent to the question of whether the board should grant parole or under what conditions parole should be granted. The judge may also, in his or her discretion, include information given to him or her by victims, witnesses, or other persons that bear on the question of the inmate's suitability for parole.

(3) The board shall review and consider all information received from the judge or any other person and shall consider adjusting the conditions of parole to reflect the comments or concerns raised by this information, as appropriate.

(f) ~~Nothing in this~~ *This section shall be construed as limiting does not limit* the type or content of information the judge or any other person may forward to the board for consideration under any other law.

(g) Any person who receives notice under subdivision (a) who is authorized to forward information for consideration in a parole suitability hearing for a person sentenced to a life sentence under this section, may forward that information either by facsimile or electronic mail. The Department of Corrections and Rehabilitation shall establish procedures for receiving the information by facsimile or electronic mail pursuant to this subdivision.

~~SECTION 1. Section 204 of the Labor Code is amended to read:~~

~~204. (a) All wages, other than those mentioned in Section 201, 201.3, 202, 204.1, or 204.2, earned by any person in any employment are due and payable twice during each calendar month, on days designated in advance by the employer as the regular paydays. Labor performed between the 1st and 15th days, inclusive, of any calendar month shall be paid for between the 16th and the 26th day of the month during which the labor was performed, and labor performed between the 16th and the last day, inclusive, of any calendar month, shall be paid for between the 1st and 10th day of the following month. However, salaries of executive, administrative, and professional employees of employers covered by the Fair Labor Standards Act, as set forth pursuant to Section 13(a)(1) of the Fair Labor Standards Act, as amended through March 1, 1969, in Part 541 of Title 29 of the Code of Federal Regulations, as that part now reads or may be amended to read at any time hereafter, may be paid once a month on or before the~~

1 ~~26th day of the month during which the labor was performed if~~  
2 ~~the entire month's salaries, including the unearned portion between~~  
3 ~~the date of payment and the last day of the month, are paid at that~~  
4 ~~time.~~

5 ~~(b) (1) Notwithstanding any other provision of this section,~~  
6 ~~wages earned for labor in excess of the normal work period shall~~  
7 ~~be paid no later than the payday for the next regular payroll period.~~

8 ~~(2) An employer is in compliance with the requirements of~~  
9 ~~subdivision (a) of Section 226 relating to total hours worked by~~  
10 ~~the employee, if the hours worked in excess of the normal work~~  
11 ~~period during the current pay period are itemized as corrections~~  
12 ~~on the paystub for the next regular pay period. Any corrections set~~  
13 ~~out in a subsequently issued paystub shall state the inclusive dates~~  
14 ~~of the pay period for which the employer is correcting its initial~~  
15 ~~report of hours worked.~~

16 ~~(c) However, when employees are covered by a collective~~  
17 ~~bargaining agreement that provides different pay arrangements,~~  
18 ~~those arrangements shall apply to the covered employees.~~

19 ~~(d) The requirements of this section shall be deemed satisfied~~  
20 ~~by the payment of wages for weekly, biweekly, or semimonthly~~  
21 ~~payroll if the wages are paid not more than seven calendar days~~  
22 ~~following the close of the payroll period.~~